

REMARKS UNDER 37 CFR §1.111

Formal Matters

Claims 104-114 were examined and rejected.

By the Amendment herein, paragraph 00039 of the specification has been amended, claims 104, 105, 107 and 109 have been amended, claim 106 has been cancelled and claim 115 has been added. Support for the amendments is found throughout the specification, the Figures and the originally filed claims, and in particular, in originally filed claims 33-36 and Fig. 6 and 7. Accordingly, no new matter has been added.

Claims 104, 105 and 107-115 are pending after entry of the amendments set forth herein. Claims 1-17, 20-27, 42, 43, 48-50, 52-65 and 68-103 have been withdrawn from consideration.

Applicants respectfully request reconsideration of the application in view of the amendments and remarks made herein.

Election/Restriction Requirement

Applicants hereby affirm the provisional election made on August 14, 2003 to prosecute claims 104-114 (Group IX) with traverse.

Applicants note that the Examiner withdrew claims 1-7, 42, 43, 48-50, 52-65 and 68-103 from further consideration; however, no indication was given that claims 8-17 (Group II) and 20-27 (Group III) were withdrawn. For purposes of responding to the Office Action, Applicants presume that the Examiner intended to also withdraw claims 8-17 and 20-27; however, Applicants request that the Examiner affirm such presumption in the next Office Action issued for this application.

Rejections Under 35 U.S.C. §112

Claims 110, 111 and 114 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement in that the claimed subject matter is not described in the specification.

The subject matter of claims 110, 111 and 114 was disclosed in originally filed claims 33-36. The claims as filed in the original specification are considered to be part of the disclosure. See M.P.E.P 2163.06. If an application as originally filed contains claims disclosing material not

disclosed in the remainder of the specification, the specification may be amended to include the claimed subject matter. *In re Benno*, 768 F.2d 1340, 226 USPQ 683 (Fed. Cir. 1985).

Applicants have amended paragraph 0039 of the specification to include the subject matter of original claims 33-36. Accordingly, support for the subject matter of claims 110, 111 and 114 is now adequately provided in the specification. Withdrawal of this rejection is respectfully requested.

Claim 106 was rejected under 35 U.S.C. §112, first paragraph, as being indefinite. As claim 106 has been cancelled, this rejection is made moot.

Rejections Under 35 U.S.C. §102

Claims 104, 107 and 109-112 were rejected under 35 U.S.C. §102(b) as being anticipated by Giannuzzi (U.S. Patent No. 4,197,781). Claims 104, 105, 107, 108 and 110-114 were rejected under 35 U.S.C. §102(b) as being anticipated by Huebsch et al. (U.S. Patent No. 5,853,422).

As amended, independent claim 104 provides for an anastomosis connector for connecting a tubular graft to a blood vessel or hollow body organ comprising an annular structure configured for positioning within the tubular graft and for providing fluid communication between the tubular graft and the blood vessel or hollow body organ, and at least one compressible member extending from a distal end of the annular structure, the at least one compressible member having a first segment and a second segment, the first segment being configured to engage a first portion of interior surface of the vessel or organ, the second segment being configured to engage a second portion of interior surface of the vessel or organ, a distal end of the second segment being attached to a distal end of the first segment, and the compressible member being radially deformable between a reduced profile and an expanded profile, wherein the first and second segments are curved when the compressible member is in the expanded profile.

Neither Giannuzzi nor Huebsch et al. nor the combination thereof disclose or teach such an anastomotic connector. Accordingly neither Giannuzzi nor Huebsch et al. nor the combination thereof anticipates or makes obvious the subject matter of claim 104 or claims 107 and 109-112 105, 107, 108 and 110-114 107 and 109-112, which depend from claim 104 or have a chain of dependency thereon. Applicants respectfully request withdrawal of these rejections and allowance of the claims.


Conclusion

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number CNVG-010CON.

Respectfully submitted,
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Date: 11/6/03

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